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REPORTS

NOTES OF THE WEEK

An Appeal Against the Revocation of a Driving Licence

By s. 5 (4) of the Road Traffic Act, 1930, a licensing authority, if it has reason to believe that the holder of a licence granted by them is suffering from a disease or physical disability likely to make the driving of a vehicle by him a source of danger to the public, may revoke his licence. They must first give him notice of their intention so to act. The licence holder may then claim to be subjected to a test of his fitness to drive, and if he passes the test the licence may not be revoked, *but* he may not so claim if the ground for revocation is that he is suffering from a prescribed disease or disability.

The prescribed diseases and disabilities are set out in reg. 5 of the Motor Vehicles (Driving Licences) Regulations, 1950, and include "liability to sudden attacks of disabling giddiness or fainting."

If a driver is aggrieved by an authority's decision to revoke his licence he may appeal to a magistrates' court acting for the petty sessional division where he lives, and on the hearing of the appeal the court may make such order as it thinks fit, such order being binding on the local authority.

We have just read a report in the *Manchester Guardian* of such an appeal, following the revocation of a licence on the ground that the driver was liable to sudden attacks of disabling giddiness. According to the report he was a diabetic subject and he had been involved in an accident. His advocate stated that an insulin reaction set in, resulting in a coma. A doctor was called to give evidence and he described the driver as a stabilized or balanced diabetic, perfectly safe to drive a car. He said that the driver was not likely to have sudden fits of dizziness or fainting. The driver said that he had never had such fits while working or driving. The court overruled the authority's decision to revoke the licence, and awarded £5 5*s.* costs to the driver.

Prevention of Crime

On the principle that the prevention of crime is the business of everybody and not only of the police, the public is frequently reminded by chief officers of police of the ways in which it can help. One is by reporting suspicious circumstances; another is by securing property and premises from depredation.

A three-weeks campaign is announced in the Durham, Chester-le-Street and Hetton-le-Hole district, in which occupiers of premises will be visited for the purpose of seeing if the latter are suitably secured, and of giving advice where necessary. A booklet is also being issued. There is no doubt that house-holders and business people are not always aware of the need for making their premises more secure against breaking-in, and that many crimes could be prevented if suitable measures were taken.

The police have also said that they invite members of the public to dial 999 when they are suspicious: the police do not mind if at times a genuine mistake is made. That is only right. If a member of the public is afraid to call the attention of the police in case his suspicions may prove unfounded and he will be blamed, there will be little co-operation of this kind. There is no need to fear a rebuke on account of a false alarm, so long as it is not a stupid hoax.

The Durham police state that the campaign is not the result of any increase in crime. It is a preventive measure, and its results may prove it well worth while.

Vehicles (Excise) Act, 1949. A Question of Jurisdiction

We think our readers would like to have their attention called to the case of *R.* v. *Reigate Justices, ex parte Holland* [1956] 2 All E.R. 289.

A vehicle normally kept in the county of Hampshire was found being used in the county of Surrey on trade plates issued by the council of the county of Hampshire. A duly authorized officer of the Surrey county council took proceedings against the user under the Vehicles (Excise) Act, 1949, and the Road Vehicles (Registration and Licensing) Regulations, 1953 (replaced on November 1, 1955, by the 1955 regulations) before the justices at Reigate where the vehicle was being unlawfully used. These justices dismissed the informations on the ground that the proceedings in question could be taken only by the county council who had issued the trade licence which was being unlawfully used, *i.e.*, the Hampshire county

council. On a Case Stated the High Court held that the justices were wrong, although, as the Lord Chief Justice said, this was no reflection on the justices "because it is not easy to find one's way through numerous Acts and regulations."

To sum the matter up Lord Goddard said that the effect of the various provisions is that the duty of collecting the necessary duties and of enforcing the law relating to those duties, including seeing that persons who break the law regarding those duties are prosecuted and punished, has been transferred from the Commissioners of Customs and Excise to the county councils. If a duly authorized officer of a county council finds *within his county* a vehicle which he believes to be offending against the regulations he has, not only the right, but the duty to prosecute. The offence is being committed in the county where the vehicle is stopped. Here the offence was committed at Reigate in Surrey and the justices were wrong in saying they had no jurisdiction to hear and determine the informations.

Credit

People not infrequently get into difficulties through incurring liabilities under hire-purchase agreements or other credit transactions without considering carefully whether they will be able to pay what becomes due, and sometimes this leads to offences of dishonesty. Such people may be blamed for their recklessness in incurring debts, but there is another side to the question, which was referred to by a county court Judge who found in his list a large number of judgment summonses for hearing.

The learned Judge, who was sitting at Rotherham, is reported as saying that the practice was growing throughout the country of issuing judgment summonses against debtors without the means to pay, and where there was no ground for committal. In some instances the defendants were men who had been off work for a long time or had been ill, or old age pensioners or others without means.

An official of the court is reported to have said afterwards that some traders gave credit to any who asked for it, without any proper inquiry into their means. Traders should not give credit to people in no position to pay.

Local debt collectors said they had given up issuing judgment summonses against poor persons such as widows and pensioners, as it was only throwing money away.

Imprisonment for debt, in the old sense, has long been abolished, but debtors who can pay but will not may still find their way to prison. Proof of means being required, there should be few cases of committal, but it would be hard to do without the threat of committal as the ultimate sanction, as the law now stands.

The Highway as a Garage

We are glad to see, at long last, some indication that the responsible authorities are beginning to think that something should be done to prevent the streets in towns being turned into garages. In a report in the *News Chronicle* we read that "motorists who use the street as a garage—or a dump—are worrying London councils. Police and the Transport Ministry are being asked to help keep the streets clear." The report goes on to state that parking on both sides of narrow streets is causing congestion and increasing the accident danger, and it gives instances of actual inconvenience caused to tradespeople and others.

Unless the shortage of policemen is the answer we confess that we do not understand why this public nuisance has been allowed to grow as it has. Our impression is that not many years ago—before 1939 we would say—no one would have thought of buying a motor car unless he had made arrangements to garage it either in a private or a public garage. Gradually the habit developed of leaving cars permanently in *cul-de-sacs* and other places where there was little or no through traffic and now it is the exception to find any residential street which hasn't its quota of permanently garaged cars, and this applies even to main roads through which buses run. It is an outstanding example of "give him an inch and he will take a yard" and we have thought, and said, for some time past that sooner or later the authorities would be driven to take action. We shall watch with interest to see whether this time has now arrived.

When Is a Road Not a Road?

In the case of *Buchanan* v. *Motor Insurers' Bureau* [1955] 1 All E.R. 607; 119 J.P. 227, it was decided that, prior to the passing of the Port of London Act, 1950, the roads within the premises of the Port of London Authority were not roads within the meaning of the Road Traffic Acts because the general public had no access to those roads as a matter of legal right or by tolerance of the authority. The 1950 Act, *supra*, made special provision for applying the provisions of the Road Traffic Acts to these roads, a very proper provision having regard to the traffic which they carry and the need to give the normal protection to other road users and to ensure good conduct by those who drive vehicles on those roads.

We gather from a report in *The Birmingham Post* of May 18 that in Southampton docks the position still obtains that the roads there are not roads to which the Road Traffic Acts apply. After considering the judgment in the case we have referred to, the Southampton justices dismissed a charge of driving a motorcycle at a speed exceeding 15 miles per hour on a road in the docks and, according to the report, the Home Secretary has decided to recommend the grant of free pardon to six other motorists who had previously been convicted of exceeding a speed limit on a dock road.

We do not know the facts about the roads in the Southampton docks, but it does seem strange, and possibly wrong, if roads which carry a great deal of public traffic are not to be roads to which the Road Traffic Acts apply merely because, although they are so freely and necessarily used, entry to them is controlled by the dock authority. If it has been thought right to change the position so far as the Port of London Authority's roads are concerned is there not good reason to consider whether all dock roads should not be similarly treated?

Witnessing a Document

We have heard once or twice of a person assuming the two roles of prosecutor and defendant, and there may be good reason why, exceptionally, an official may think it his duty to prosecute himself. Until a few days ago we had not heard a suggestion that a man might witness his own signature. We found it in the following question and answer in *The Honorary Magistrate* (South Australia).

"Is it permissible for a J.P. to witness his own signature to a statutory declaration made by him?"

ANSWER: "The question assumes the J.P. to be a 'Dr. Jekyll and Mr. Hyde' personality. You can no more witness your own signature than you can listen to your own hearing, or judge your own cause, or lift yourself up by pulling your boot-straps, or give yourself a receipt for the money you owe Brown. The question is so supremely simple that one despairs of writing an adequate answer."

Certainly a forthright reply! In our own experience we have not yet had to deal with a question that we had to characterize as "supremely simple."

Confusion Worse Confounded: 20, 30 or 40?

The accidents and the resultant casualties on our roads are a matter of grave concern to us all, and no suggestion which may offer a solution to this intractable problem is to be lightly disregarded. But we are by no means certain that any good can come from adding to the difficulties with which motorists are faced in trying to comply strictly with the many laws which now govern their activities. We have referred before to proposals to introduce a 40 mile per hour speed limit in certain places. Now we read, in the *Daily Express* of May 22, that 11 roads in Slough, Buckinghamshire, may have a 20 miles per hour limit imposed on them. Whatever may be the theoretical arguments in favour of this further restriction, we question its practical value, and suggest that in trying to watch his speedometer to ensure that he does not exceed a particular speed a motorist's attention may well be distracted from more important things, *i.e.*, what is happening on the road on which he is driving.

The 30 miles per hour limit has been accepted for years past, and a driver gets to know his car and can soon tell with reasonable accuracy when he is driving at that speed, without constant reference to his speedometer. If he is content to err a little on the side of safety he probably need hardly look at that instrument, although he will probably be passed by many other vehicles if he does this. But if in some places it is to be 20, in others 30, and in others 40 constant checking on the speedometer will be much more necessary, and this must mean some lack of full concentration on other traffic, traffic lights, zebra crossings and all the other matters to which a driver must primarily give his attention.

Moreover, are all these varying limits to be strictly enforced or is the position to be that a small percentage of offences will from time to time be summoned and fined, and that the great majority will ignore the limits with impunity, which is largely what happens with the present 30 miles per hour limit? And in how many cases in which there is such a prosecution is it suggested that the speed, in the existing circumstances, involved any danger to other road users? More prosecutions for actual bad driving, with appropriate penalties, would in the view of many people be much more effective than are those for an infringement of a speed limit which involves no other element of blameworthiness. Unless, therefore, it is the intention of the authorities, and they will be in the position, to enforce any new limits, we very much question, on that ground also, the wisdom of imposing them.

Strange Oaths

Most magistrates' courts are equipped with copies of the Pentateuch for Jewish witnesses as well as the New Testament for Christians, and in many places where foreigners, often seafaring men, are frequent witnesses there is also a copy of the Koran. There is some bewilderment, however, when a witness from some country whose religion is unfamiliar to us, and whose sacred books are unknown to us, is required to take an oath.

We heard recently of such a witness who told the court that his religion permitted him to swear upon the sacred writings of other religions, and who, on being assured that the New Testament was such a book, took an oath upon it with a formality which he declared binding upon him.

The Chinese have certain ceremonies about taking an oath that sometimes cause embarrassment. It has been said that some accompany the words of their oath with the killing of a cock, but we have never heard of a Chinese witness demanding this in an English court. What is by no means uncommon is the breaking of a saucer, and this is neither unpleasant nor embarrassing, except to the extent that saucers seem hard to break in court.

Recently in a county court a Chinese party to an action attempted to take the oath by breaking a saucer, saying: "I will tell the truth. If not, my soul will be broken like this saucer." The saucer did not break when thrown down, and when it was banged on the witness-box it only cracked. The witness then swore with a form of words to the effect that his soul would be cracked if he did not speak the truth, and this was accepted. The main point to be observed in unusual forms is that the witness declares it to be binding upon him according to his religion.

Both Ways?

There is a parallel which the disputants may not have noticed, between an argument at Manchester over transport drivers' wages and the attempt sponsored at Bridlington to resist an increase in the salary of principal officials. Under the heading "A Municipal Ring?" the *Manchester Guardian*, historic champion of free trade, protests against the restriction imposed upon the city council's wage rates by the Federation of Municipal Transport Employers, to which the council belongs. "Surely (says the leader writer) Manchester's transport committee is entitled to judge for itself whether bus work in Manchester is worth more than the wage it is at present paying? Many towns are suffering from a severe shortage of bus crews, and in areas where there is plenty of alternative work a good busman is naturally at a premium." This is a natural feeling; in many trades where labour is scarce employers are devising means of attracting workpeople by offering benefits (in money or in other forms) exceeding the money wage fixed by national agreement. In industry the firms which can afford these offers draw staff away from their competitors; the transport committee at Manchester, if it departs from the national agreement, and thus succeeds in drawing men into its service, will be drawing at least some of them away from other transport undertakings. And thus the wages of busmen in other areas will have to be increased, not for local causes but because there is "plenty of alternative work" in Manchester. It may be that the national agreement has fixed too low a wage, and the *Manchester Guardian* states that a dispute is to go before the Industrial Court, with the city council and the trade union on one side, and the federation (to which the council belongs) upon the other. So long, however, as a national agreement exists it seems damaging to the principle of collective bargaining for an employer to break away, not less than for a section of workpeople to demand more than their union has agreed is reasonable. Many big employers can afford, and may consider it worth while, to do so, while money is chasing labour generally, but what of the reverse?

Ought the employer by parity of reasoning on "free trade" lines to be free to engage workpeople below the wages agreed between his federation and the unions, when there happens to be a temporary glut of labour by reason (say) of laying off staff in a local factory? No trade unionist would say yes to this question, but free trade in labour surely has to work both ways or neither. Which brings us back to local government. On the same principle, why should not the town council of Bridlington, having obtained the chief officers it needs, go on paying lower salaries than have now been agreed between the local government associations and the bodies representing staffs? The council has asked other local authorities to express opinions on three main points: the adequacy of present salaries; whether further burdens should be added to the rates, and the merits of the present constitution of the national negotiating committees. The secretary of

N.A.L.G.O. has spoken of this move as " the gravest threat " to the future of local government administration. Other local authorities are known to dislike the new agreement about salaries, but to believe that the agreement will have to be implemented if national negotiation is to survive. But, on the principle advanced by the *Manchester Guardian* about the busmen, what logical grievance can anybody have against Bridlington, for trying to bring other local authorities to its point of view?

All these agreements are in one aspect akin to the " restrictive practices " condemned in commerce, but in most aspects they are universally accepted as the sole preventive of industrial chaos. It is hard to see how collective bargaining can work, unless it works both ways.

Coloured Overcrowding

We have spoken more than once about difficulties for local authorities, which arise from the unchecked inflow of Africans, West Indians, and (to some extent) of Indians. In a time of full employment the economic troubles, such as lay at the root of restrictions imposed in British Columbia and Australia, and along the Pacific sea board of the United States, take care of themselves in this country. That is to say, the trade unions are usually strong enough to prevent undercutting of wages, and the coloured immigrants have usefully filled gaps in the British labour force. Again, social adjustments, and particularly the problem of inter-marriage, have not so far been very serious in Great Britain. From the point of view of public authorities, however, there remains a group of problems connected with accommodation. *The Birmingham Post*, which is not a sensational newspaper, reports a Black Country case under the Furnished Houses (Rent Control) Act, 1946, which illustrates this aspect, although the local authority was not directly involved. A Jamaican and his wife lived in one room for which, with the use of kitchen and scullery, they were charged £2 a week. In the five roomed house there were eight Jamaicans and five Indians. The lessor of the rooms, an Indian, proposed to raise the rent to 50*s*. and the tribunal reduced it to 28*s*. a week. It has been common experience in those areas of London and large provincial towns where coloured communities have sprung up since the war, that the first comers secured houses, which they then sub-let room by room to other coloured persons. It is often said that on the whole the Asiatic immigrants have made a better thing of this than West Indians or Africans. However this may be, it is pretty certain that the previous standards of living of the immigrants will enable them to endure conditions worse than would be found today in any English slum.

The local authority is in a cleft stick. It cannot usually meet the housing needs of its own people; even with the plans newly announced for clearing slums, it will have enough to do for years to come, without finding homes for immigrants from other lands. Yet these immigrants, so long as the Government takes no steps to control the traffic in importing them, seem likely to come by shiploads every month. How then is the local authority to abate overcrowding, and secure even a modest standard of sanitation in the coloured rookeries which have been allowed to come into existence?

Clean Food for Hospitals

The vice-chairman of the Hotel and Catering Institute is reported as telling a conference that in some big old hospitals unprotected raw food is carried along narrow passages past stinking garbage. He is also reported as commenting on the " rather savage Hygiene Act " with which ordinary caterers had to comply. He also referred to antiquated, outmoded equipment, and premises far below the standards required from other people.

The chairman of the meeting pointed out that now that hospitals came under the Crown, medical officers of health had no right of entry.

If indeed some hospitals are open to criticism on this score, we may be confident that the situation will be remedied. As we said in an earlier note, the Post Office has set a good example by not waiting until the Food Hygiene Regulations are applied to Government departments, and without doubt other establishments under the Crown will follow suit. A high standard is expected, and we believe usually observed in hospitals.

THE MEANING OF A VERDICT OF NOT GUILTY

[CONTRIBUTED]

The summing-up of Ormerod, J., at the trial of Glinski for perjury (*The Times*, December 13, 1955) is of interest in the reference which is made therein to the effect upon the evidence given by two police officers, if the jury were to return a verdict of not guilty. There the learned Judge stated to the jury that the defence was that certain things (which the two police officers had sworn had been said by the defendant) were not said to the police at all. There had been no mincing of words. The attitude of the defence was that the two police officers had invented the conversation, that it was a tissue of lies and sheer imagination, and had been put in deliberately for the purpose of bolstering up the case against Glinski and to corroborate the evidence of Andrews and Mrs. Smyth (two other prosecution witnesses). It was not suggested that the police had been mistaken, or that their recollection was at fault. What was suggested was that the police were deliberately lying when they gave evidence. There seemed to be no doubt that Andrews' statement that he had seen Glinski at the flat was made on October 27, and for that reason counsel had suggested that the evidence of Sparks (one of the police officers) could not be believed, for he had stated that the information he had in his possession on October 7 was the same as when the matter came before the magistrates. If the jury thought that was a deliberate lie on the part of Sparks they might think that none of his evidence could be believed. Was it a lie? It was certainly not correct. Or was it that Superintendent Sparks, possibly not having refreshed his memory, was mistaken? The learned Judge then went on to say that he could not emphasise too strongly that there was no possibility of a mistake. Either the two officers were speaking the truth or it was a most deliberate lie on their part to manufacture a case against the accused. In the result the jury returned a verdict of not guilty.

The result of this verdict therefore raises the question whether it necessarily follows that, unless a jury were to convict, certain witnesses for the prosecution ought to be convicted of perjury. There may of course be cases where the issue is so clear cut that such a result must inevitably follow, but in the majority of cases it would appear that this is not the case, and on this aspect of the matter certain earlier judgments are instructive. This question arose soon after the passing of Lord Denman's Act, the Criminal Procedure Act, 1865, s. 2 of which for the first time enabled counsel for the prosecution to sum-up the evidence given by

witnesses who have been called on behalf of the defendant in cases where the prisoner or prisoners, the defendant or defendants, are represented by counsel, but not otherwise. Strangely enough, in three cases which came before the Crown Court during the Summer Assizes on different circuits immediately after the passing of this Act, counsel for the prosecution made reference in his summing-up of the evidence to the jury to the effect upon the character of the prosecutrix if the jury were not to believe her evidence, and were to acquit the prisoner. In the first case at Chelmsford, *R.* v. *Rudland* (1865) 4 F. & F. 495, a charge of rape, counsel observed that if the prisoner were acquitted the woman's character would be blasted. Crompton, J., however, in his summing-up observed that these observations ought not to be made. In the second case at Northampton, *R.* v. *West* (1865) *The Times*, July 20, a charge of indecent assault, counsel for the prosecution in summing-up the evidence contended that the question was if the jury were to convict the girl of perjury. Pollock, C.B., in commenting upon this statement, says: " That is not the question. The jury may say that the case is not made out to their satisfaction, but that does not convict anyone of perjury. I always protested against the case being put so when I was at the bar and I shall administer the law as I think it ought to be administered." Counsel in replying stated he was merely drawing attention to the way in which the prosecutrix was treated in the witness-box, which seemed to point to such an issue. In the third case at Lewes, *R.* v. *Puddick* (1865) 4 F. & F. 497, also a charge of rape, Crompton, J., referred to, and approved of, these observations of the Lord Chief Baron, and made similar comments himself. There counsel for the prosecution, in addressing the jury and summing-up the evidence, put it that the prisoner's acquittal would virtually convict the girl of perjury. The learned Judge in his summing-up on this aspect of the case protested against the observation that to acquit the prisoner of rape would be to convict the girl of perjury. He stated that it was not so, for all that an acquittal would imply was, that the jury were not satisfied beyond all reasonable doubt that a rape had been committed. For it was their duty to be so satisfied before they convicted the prisoner, and if they were not, they were bound to acquit him, and they should decide upon the case solely upon the weight or credibility of the evidence, and not with reference to the supposed consequence to one side or the other.

After making these observations he went on to express certain views with regard to the duty of counsel for the prosecution in this respect. I hope (continued the learned Judge) that in the exercise of the privilege granted by the new Act to counsel for the prosecution of summing-up the evidence, they will not cease to remember that counsel for the prosecution in such cases are to regard themselves as ministers of justice, and not to struggle for a conviction, as in a case at Nisi Prius—nor be betrayed by feelings of professional rivalry—to regard the question at issue as one of professional superiority, and a contest for skill and pre-eminence. Again, more recently in *R.* v. *Banks* [1916] 2 K.B. 621, the Court of Criminal Appeal had to consider, *inter alia*, in an appeal from a conviction of carnal knowledge, similar points in connexion with certain observations in his address to the jury by counsel for the prosecution who had exhorted them " to protect young girls from men like the prisoner." Counsel for the appellant on this part of the case urged that counsel for the prosecution ought not to have given this exhortation to the jury, and stated that there was a growing tendency on the part of counsel for the prosecution to conduct cases as advocates rather than as ministers of justice, and that the appellant was seriously prejudiced at his trial by such exhortation, and he referred to the cases of *Rudland* and *Puddick* in support of his appeal. In giving the judgment of the Court dismissing the appeal, Avory, J., says this as regards this point: " That criticism of the manner in which the prosecution was conducted is one rather addressed to a matter of taste than to an actual irregularity in the proceedings. It is true that prosecuting counsel ought not to press for a conviction. In the words of Crompton, J., in *R.* v. *Puddick*, they should " regard themselves " rather as " ministers of justice " assisting in its administration than as advocates. The observation complained of may not have been in good taste or strictly in accordance with the character which prosecuting counsel should always bear in mind. But it is impossible to hold that the jury were misled by it into finding the appellant guilty. In our judgment the jury would not have found the appellant guilty unless they had been satisfied of his guilt by the evidence."

In conclusion, it is interesting to observe that *Kenny's Outlines of Criminal Law* (1952, new edn. by Turner, para. 597), in repeating what was said in earlier editions, states that the verdict of not guilty does not necessarily mean that the jury are satisfied of the prisoner's innocence; it states no more than that they do not regard the evidence as legally sufficient to establish his guilt. The text here quotes an observation of Pollock, C.B. (C.C.C. Sess. Par. XLVI 886) that " the acquittal of the whole offence is not an acquittal of every part of it, but only the acquittal of it as a *whole*." The text then goes on to say that there is a fallacy in the old forensic argument of prosecutors, " you must convict the prisoner unless you think my witnesses ought to be convicted of perjury," for the jury may well be in utter doubt as to the soundness of either alternative. The above cases bear out these views.

M.H.L.

OFFICERS AND MEMBERS

[CONTRIBUTED]

The relationship between members of an elected council and the officers, particularly the heads of departments, is a question always in existence, yet seldom treated otherwise than by hints to one side or the other.

A chief departmental officer, even of a big city authority, dresses nowadays much differently from his predecessors of 30–50 years ago. There was a time when every officer " looked his part," now few do. This applies in the metropolis as forcefully as in the little provincial, urban, or rural council offices. The silk hat, the frock coat, and the white stiff collar and cuffs seem to have gone for ever, leaving too many who now hold the same offices at four to five times the salary of their distant predecessors dressed in flannel trousers, a pullover, a soft collar and an odd jacket of any colour, pattern, texture, or cut.

The superficial difference between the elected representative and the paid official is now less apparent, which may be for the better or worse.

Other things too, have changed. Off duty, there is more likelihood of personal contacts between the sides. In too many cases, salutes and addresses are by christian names. A prominent member of the writer's council once said he would mention a matter he had raised to " Bert," a remark that left his hearer in the dark until it came out that the person so alluded to was a Cabinet Minister.

There is a danger in carrying this sort of familiarity to excess, in that it causes embarrassment and destroys independence, even if it does not always breed contempt. Incidentally, it seems equally embarrassing when a councillor seriously (not jocularly) addresses an official as " sir."

Frequently to go dining (or drinking) together does not make for all-round good relationships, any more than does an opposite attitude by the illiterate and ill-mannered councillor who tries to " lord " it over the head officials knowing they cannot readily defend themselves.

A brother chief once told of a true experience wherein such a councillor entered his private office without either knocking on the door or removing his cap, but walking boldly to and occupying a seat opposite the officer. An ill-mannered rather personal remark from the member antagonized the other to say, as he rose, walked to a cupboard, and placed his hat on his head on resuming his seat, " Very well, we'll start level."

The most difficult situations arise when a member seeks unjustified favours from an officer who could (perhaps) give them. These may be to do something not strictly in order or fair, or to refrain from an action which, were the individual not a member, would be taken. In all cases, there is only one really satisfactory course. That is, to make no exceptions. It is the quickest and surest way to secure respect, if not early promotion.

Above all, a chief officer must be reliable, scorning to refrain from giving advice that will probably be momentarily resented, and equally eschewing roundabout or evasive replies to curry favour or avoid displeasure.

A short list of attributes of the first-class officer appeared some years ago from the pen of one who had been on both sides of the committee table. It was something like the following. He is one who:

does not equivocate;

is not afraid to admit he does not know when he does not and therefore refrains from evasion by subterfuge;

eschews bluff;

knowing he is a professional and the councillors amateurs, keeps the knowledge to himself;

always gives everybody, including member and brother officer, a square deal;

shows that he has properly considered the matter he is putting before a committee, puts it clearly and fearlessly, and is content that the decision be left to the committee;

gives all his subordinates credit that is due to them and defends them against attack; and

demands courtesy from any ignorant or rude member.

J.H.B.

THE ECONOMIC PRESENT

By J. E. SIDDALL

The present is not an easy time for local government. Despite revaluation, and its change of incidence in the contributions to local authority revenues, the difficulty remains that a large part of local authority spending is on capital account, that is to say on loan account, and the present restrictions are aimed at just this.

The national economic strain is undeniable. Diminution in purchasing power of the pound sterling since 1938 has been steady and consistent, and has not been finally checked. The most that has been achieved have been a succession of temporary stabilizings at stages in the decline. There is public perturbation at the inflation, and therefore, whatever the difficulties of local authorities, they must bear their share in retrenchment. The primary need must, however, be to ascertain both the extent and, if possible, the duration of the period of stringency so that plans may properly be made. A country so highly industrialized as Great Britain, trading in a world rapidly becoming more industrialized, must be far more sensitive to outside repercussions than in say, the Victorian era. There is also the question of the extent to which national measures may prove to be effective. At the same time, if any guidance could be given to local authorities, it surely should be given; it would be most beneficial to them and to the country as a whole. Thus, if there is to be (should one call it) a " siege economy " such as prevailed during the last war, or if it is expected that there must be restriction on local authority capital expenditure for a period of years, obviously a different course must be followed from that to be followed if the difficulty is merely one of months, with developments in full swing again by the end of the year.

To appreciate local authority current difficulties it is desirable to consider the present deterrents to capital expenditure.

The classic counter-inflationary weapon of increased loan charges has been used, and that on several occasions, within a period of months. It has had its corollary in the increased bank rate. Now it is obvious that where no mere question of profit and loss is involved, an increased loan charge has not the complete effect which it has when a commercial undertaking is concerned. To take an extreme example, a community without water might be quite prepared to pay 10 *per cent.* interest on a loan necessary to obtain that commodity.

We then come to the second deterrent, which is that loan sanctions are not available except for specified projects. Here again the question of policy arises and, whilst there was a saving in respect of water, sewerage and sewage disposal schemes (where their absence militated against public health), housing has so far been unaffected. The position which must, however, be faced is that the provision of water and sewerage facilities is as necessary to housing schemes as the building of the houses themselves. Many local authorities have areas of land in respect of which the sewers are already laid and the water mains provided, but we know from early post-war experience that it takes time to provide those services after that which is immediately available has been built up; in addition, there is a limit beyond which mere extensions cannot go. That is to say, sooner or later the increase in the number of water consumers or the amount demanded by consumers will necessitate the building of a reservoir, just as the addition beyond a certain number of houses will make inevitable the installation of a large trunk sewer and extensions at the sewage disposal works.

The third deterrent is in the raising of the capital itself. Viewed entirely impartially, there is a good deal of justice in bringing the local authority face to face with the money market. In many instances, too, it is a freedom which local authorities themselves had sought after the period, during the war and post-war years, of compulsory borrowing from the Public Works Loan Board. On the other hand many of the sources readily available before 1939 are not available now, and the position

is obviously easier for large local authorities than for the others. The difficulty of bridging the gap by temporary borrowing has been enhanced now that (generally speaking) short-term loan money is dearer than long-term. The bright spot is that the more recent local authority borrowings, admittedly at slightly over £5 *per cent.*, show, or tend to show, a slight premium.

This general drying up of capital available for local authority borrowing can represent a most serious position. Again, the classic economic theory is that an increase in the interest rate has the effect of attracting more money. It has, however, also the effect of causing a certain amount of money to be withheld from the long-term loan which the local authority normally offers—there has recently been alleviation in the statutory lack of powers on the part of a local authority in this instance—with a borrower wishing to obtain the top of the market, and it also tends to depress securities carrying lower interest rates so that smaller amounts are available on realization for re-investment. This depreciation in trustee stocks in the last few years has in certain instances exceeded the amount received by way of interest, and has been accompanied by the decline in the purchasing power of the pound to which reference has previously been made. In other words, this has been far from a happy period for the holder of trustee securities.

It is at this stage again that the question of the duration and the extent of the retrenchment period ought to be clarified. If shortage is likely to continue for a number of years, the temporary availability of short-term money is going to represent no cure, and local authorities might be placed in the same position as the private individual or firm who, desiring to expand in a certain direction, must do so by realizing on other assets in order to achieve it. It might well be therefore for greater reliance to be placed upon internal resources, a reliance to which s. 8 of the Local Authority Loans Act, 1945, contributes. The possibility is there, perhaps by the selling of investments from superannuation funds, housing equalization and repairs accounts, insurance and plant and other capital accounts where possible. The question might even arise in certain cases of the desirability of selling assets, for example land or buildings not required for statutory purposes or for redevelopment in the immediately foreseeable future. Again, consideration might be given for assisting, if necessary by statute, a link between the local Trustee Savings Bank or its branch and the local authority in the area in which it is situate. The present enhanced interest rates would not make the three-year break clause the deterrent it once was. Again, the Government might give serious consideration to the allocation of existing resources as between the local and the central Government, and to that end consider the possible extent to which the Post Office Savings Bank duplicates the services of the Trustee Savings Banks.

Then again, if it is contemplated that the present position may best be met by changing much of the incidence of expenditure from capital to income account, local authority revenues once more come up for consideration. There has admittedly been the recent revaluation, which will (perhaps) be followed by a revaluation of dwelling-houses in due course, with the abandonment of the restricted valuation. There has also been a private member's Bill, in respect of the re-rating of industrial and freight transport undertakings, and the question also arises whether a partial re-rating of agriculture should take place. On the outgoing side of the account, some savings would follow if the pre-1937 prescriptive right of the industrialist to put trade wastes into the sewer pursuant to s. 4 of the Public Health (Drainage of Trade Premises) Act, 1937, could be reconsidered. This might be justified not merely on the ground of its being an out-of-date anomaly, but on general grounds of fairness with other industrialists after a period of some 20 years. This too, at the same time, raises again the liability, admittedly subject to the Act of 1937, of the local authority to receive trade wastes, and the restrictions on capital expenditure in respect of sewage disposal schemes and the need for conserving the water resources of the country. Again, the mobility of labour as a desirable end has been suggested and probably this, combined with the Government's policy on slum clearance, has caused housing to be an excepted service, but the limitations of this have already been indicated.

The cutting down of consumer demand, and the question of the "siege economy" has also been raised, and it must be appreciated that the popular twentieth century gadgets, though possibly manufactured wholly in this country, contain imported items which have to be paid for in foreign currency. This may represent a more flexible proportion of the overseas account than (for example) the food bill. There again arises the question whether local authorities should not be specifically encouraged, say by guaranteed prices, to extend again the reclamation of waste materials to what might seem even an uneconomic limit. Large quantities of paper pulp, metals, animal food, and the like all have to be imported, many of them from countries with which this country already has a debit balance.

It might be thought that too gloomy a view has been taken of the present position, and naturally it is hoped that this is the case. On the other hand, stable conditions are very desirable for the long-term projects to which local authority capital expenditure is devoted.

ADDITIONS TO COMMISSIONS

DURHAM COUNTY

Mathew Allon, 4 Wear Terrace, Washington, Co. Durham.
Mrs. Jane Crump, The Corner House, Shincliffe, Durham.
Mrs. Margaret Munro Dillon, Rodridge Hall, Wingate.
Mrs. Irene Hays, The Homestead, Wingate.
Mrs. Hilda Kilgour, Olive House, Seaside Lane, Easington Colliery.
Frederick Ingram Locke, Brinkburn, Wheeler Street, Houghton-le-Spring.
Robert Monteath McLaren, Lumley Grange, Chester-le-Street.
Sydney James Stewart, 26 Logan Terrace, South Hetton.
William Trotter, B.E.M., 25 Richardson Terrace, Washington, Co. Durham.
George Alfred Yews, 2 Dene Crescent, Shotton.

HERTFORD COUNTY

Lt.-Col. William Edward Dean, Little Gaddesden, 80 Vicarage Lane, Kings Langley.
Cecil William Lane, 27 Marten Gate, St. Albans.
The Hon. Mrs. Rachel Pauline Bowes-Lyon, St. Paul's Walden Bury, Hitchin.
Mrs. Agnes Helen MacLeod, High Brooms, Letchworth Lane, Letchworth.
Mrs. Gertrude Eileen Patterson, 12 High Street, Baldock.
Leonard Poyser, Cowper House, Cowper Road, Berkhamsted.
Charles Snoad, 93 Old Hale Way, Hitchin.
Mrs. Olive Taylor, 68 Ellingham Road, Hemel Hempstead.
Major Angus Tunley Todd, Welham Manor, Welham Green, nr. Hatfield.
Col. Derek Webster, The Hill House, Berkhamsted.
Henry Cecil Williamson, The Burn, 26 Rothamsted Avenue, Harpenden.

LINCS. (HOLLAND) COUNTY

Mrs. Mary Elizabeth Lake, Walden House, Gosberton Risegate, Spalding.
Edward Walden Mableson, 29, Dunningdale Drive, Boston, Lincs.
Harry Piggins, The Beeches, Gedney, Spalding.
Mrs. Gertrude Sheehan, Green Ridges, Sibsey Road, Boston, Lincs.
Geoffrey Andrews Tunnard, Manor Farm, Kirton, Boston, Lincs.
Edward Burnell Willis, 147 Sleaford Road, Boston, Lincs.

NOTICES

The next court of general quarter sessions for the city of Hereford will be held on Monday, June 11, 1956, at the Shirehall, Hereford, commencing at 10.30 *a.m.*

WEEKLY NOTES OF CASES

PROBATE, DIVORCE AND ADMIRALTY DIVISION
(Before Lord Merriman, P., and Davies, J.)
SMYTH *v.* SMYTH
April 18, 1956

Husband and Wife—Maintenance—Discharge of order—Conflicting decisions of High Court and magistrate's court—" Fresh evidence "—Summary Jurisdiction (Married Women) Act, 1895 (58 *and* 59 *Vict., c.* 39), *s.* 7, *s.* 10.

APPEAL from a metropolitan magistrate.

On April 14, 1954, the wife's complaint that the husband had been guilty of persistent cruelty to her was found by the magistrate to have been proved and an order was made in her favour under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1949. The wife then presented a petition for divorce on the ground of the husband's cruelty. The allegations in the petition were the same as those made before the magistrate with some additional charges relating to incidents occurring after the date of the magistrate's order. The petition was dismissed on the ground that the charges therein had not been sufficiently proved, and the husband applied to the magistrate under s. 7 of the Act of 1895 for the discharge of the order of April 14, 1954. The magistrate refused the application under s. 10 of the Act, he being of the opinion that the matter would be more conveniently dealt with by the High Court. On appeal by the husband,

Held, the magistrate ought to have discharged the order since (*a*) the decision of the High Court was " fresh evidence " within the meaning of s. 7 of the Act, and (*b*) his court, and not the High Court, alone had jurisdiction to discharge the order; and, as s. 10 of the Act was, therefore, inapplicable, the husband had rightly appealed under s. 11 of the Act to the Divisional Court which would exercise its power under r. 71 (6) of the Matrimonial Causes Rules, 1950, and discharge the order.

Counsel: *B. Garland* for the husband; *L. D. E. Cullen* for the wife.

Solicitors: *Lewis & Shaw*; *Kearton & Co.*

(Reported by G. F. L. Bridgman, Esq., Barrister-at-Law.)

GLEANINGS FROM THE PRESS

The Yorkshire Post. April 20, 1956

MAN ON BAIL CARRIED OUT VIOLENT ROBBERY

Gaoled for four years

After hearing that Sheffield city magistrates had granted bail, despite police objections, to a man with a long criminal record who then committed another offence before his trial, Mr. Justice Pilcher, at the Yorkshire Spring Assizes in Leeds yesterday, commented: " I hope the magistrates will take note of this kind of thing."

The man, Ernest Windle (32), *millhand, Hobson Avenue, Sheffield, together with Frank Marples* (25), *millhand, Bamforth Street, Sheffield, was sentenced to four years' imprisonment for robbery with violence. Both pleaded not guilty.*

Mr. Alastair Sharp appeared for the prosecution (instructed by the Town Clerk of Sheffield); Marples was represented by Mr. D. S. Forrester-Paton and Windle by Mr. Maxwell Gosnay (both counsel instructed by Neal, Scorah, Siddons and Co., Sheffield).

Mr. Sharp said the two men attacked Mr. Jeffrey Rowland Staniforth, " a perfectly respectable young man," on a piece of waste ground near River Street, Sheffield. Windle and Marples said the attack followed an indecent approach by Mr. Staniforth, a suggestion completely without foundation.

" Persistent thief "

Windle was said to be " a clever and persistent thief whose character is bad." He had previous convictions for breaking and entering, burglary, theft and receiving—the last one at Sheffield quarter sessions last week when he was gaoled for 18 *months.*

This, the Judge heard, was for an offence committed in January. After his arrest Windle was allowed bail by the magistrates although the police opposed it. While on bail he carried out the attack on Mr. Staniforth.

Marples had previous convictions for dishonesty and one for violence, including a sentence of four years' corrective training. He was released on licence from this sentence but was recalled because of unsatisfactory behaviour. Before he could be recalled he had been arrested for an assault charge for which he was sentenced to six months' imprisonment.

In *R.* v. *Phillips* (1947) 111 J.P. 333, the applicant applied for leave to appeal against conviction and sentence. He had pleaded guilty at Liverpool Assizes to two charges of housebreaking and larceny and one charge of housebreaking with intent and was sentenced by Singleton, J., to four years penal servitude, ten similar outstanding cases being taken into consideration. Nine of these offences were committed while the applicant was on bail, seven before and two after his committal for trial.

In delivering the judgment of the court, Atkinson, J. (after stating that, in the opinion of the court there was no ground for interfering with the sentence) said, " The court feels very strongly that the applicant ought not to have been released on bail. In cases of felony bail is discretionary, and matters which ought to be taken into consideration include the nature of the accusation, the nature of the evidence in support of the accusation and the severity of the punishment which conviction will entail. Some crimes are not likely to be repeated pending trial, and in those cases there may be no objection to bail being granted, but some are, and housebreaking particularly is a crime which will probably be repeated if a prisoner is released on bail, especially in the case of a man who has a record of housebreaking such as the applicant had. It is an offence which can be committed with a reasonable measure of safety to the person committing it. Three charges were preferred against this applicant before the justices. With regard to one, there was no defence, and in the case of another he was actually arrested in the act. Yet, in spite of all his previous convictions, the applicant was given bail, not once but twice, first pending the hearing before the justices and again on committal for trial. To turn such a man loose on society until he has received his punishment for an offence which is not in dispute, is, in the view of the court, a very inadvisable step to take. The court wish justices who release on bail young housebreakers such as this applicant to know that in 19 cases out of 20 it is a very wrong step to take. The court hopes that some publicity will be given to these observations, so that justices may know the views of the Court of Criminal Appeal."

In the case of *R.* v. *Wharton*, in the Court of Criminal Appeal on July 6, 1955, Lord Goddard, C.J., said, " This man, who is only 26 years of age, has a very bad record. In the autumn of last year he was before the magistrates and committed for trial for robbery with violence. It is surprising to find that the magistrates admitted him to bail considering his past record because he had been convicted over and over again. What was the result? He was about to be tried at the Manchester Assizes and was tried on November 22. He being on bail, on November 20 he committed another robbery with violence. That is what comes of granting bail to these men with long criminal records. The Court has pointed out over and over again how undesirable it is, unless there is some real doubt in the minds of the magistrates as to what the result of the case is likely to be, to grant bail in such cases as this case. It is no kindness to the prisoner because he has committed another robbery with violence for which he has five years' imprisonment. It means now that he is in prison for nine years, four years for the first robbery with violence and five years for the second running consecutively. If he had not been bailed, he could not have committed the second robbery with violence and he would only have had to serve four years, so the only result of giving this man bail is that somebody has been robbed and assaulted badly and he has to serve nine years in all. The appeal is dismissed." ((1955) C.L.R. 565); *Times Law Report*, July 6, 1955.

In *R.* v. *Armstrong* [1951] 2 All E.R. 219, the applicant applied to the Court of Criminal Appeal for leave to appeal against his conviction on the ground that the publication in certain newspapers of evidence of previous convictions at the preliminary hearing before justices was a ground for quashing the conviction. When he had applied to the justices for bail his previous convictions had been disclosed to them and had been reported. His application for leave to appeal was refused. In delivering the judgment of the Court Lynskey, J., said: ". . . It is clear that it is the duty of the justices to inquire into the antecedents of a man who is applying to them for bail, and, if they find that he has a bad record—particularly a record which suggests that he is likely to commit similar offences while on bail—that is a matter which they must consider before granting bail. The justices in the present case were entitled to act as they did . . ." *See* also *R.* v. *Fletcher* (1949) 113 J.P. 365.

Daily Express. May 10, 1956

BOY OF SEVEN DROVE OFF IN A LORRY

These exploits by a boy of seven with a "mania" for vehicles were detailed at Jarrow yesterday.

Driving a beer lorry 150 yards.

Driving a car and a van both of which crashed. He took the van a mile and a half along the main Newcastle–South Shields road.

Tried to drive a bus.

Driving a horse and milk cart at a fast speed through a street.

The boy's father was bound over in £100 for his son's future good behaviour.

Said the chairman, Mr. E. D. B. Legge: "It is only by the mercy of God, that the boy is not dead and that other people are not dead."

This boy could not be charged with any offence. Section 50 of the Children and Young Persons Act, 1933, provides that "it shall be conclusively presumed that no child under the age of eight years can be guilty of any offence."

He would be brought before the juvenile court at Jarrow as being in need of care and protection, being "a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control . . ." (s. 61 (*a*), Children and Young Persons Act, 1933).

His father would be ordered to enter into a recognizance to exercise proper care and guardianship, under s. 62 (1) (*c*).

In the case of a child aged eight or more, or of a young person, charged with an offence, the court may order his parent or guardian to give security for his good behaviour (s. 55 (2)). The security must be by way of recognizance (r. 27, Summary Jurisdiction (Children and Young Persons) Rules, 1933). Without prejudice to the provisions of s. 55 (2) any court may, on making a probation order or an order for conditional discharge, if it thinks it expedient for the purpose of the reformation of the offender, allow any person who consents to do so to give security for the good behaviour of the offender (s. 11 (1) of the Criminal Justice Act, 1948).

The Star. May 3, 1956

MOVE TO EXTRADITE MAN FAILS

Antonio Ardolino, 22, an Italian, was freed at Bow Street today when he appeared on remand on an application for his extradition.

His home is at Saviano, and he had been arrested at Ammanford, Carmarthenshire, where he was working as a farm labourer, on a warrant accusing him of the attempted murder of his brother Pasquale in Italy.

Detective-sergeant Charles Carpenter said today that documents in the case had not arrived from Italy and it was now two months since Ardolino's arrest.

Under Article 12 of the Extradition Treaty he could no longer be held.

Section 2 of the Extradition Act, 1870, provides that the arrangement made with a foreign State with respect to the surrender of fugitive criminals is to be embodied in an Order in Council. After publication of the Order in the *London Gazette* the Extradition Acts apply in the case of the foreign State to which it relates. The Order is conclusive evidence that the arrangement therein referred to complies with the requisitions of the Extradition Acts, and the validity of the Order cannot be questioned in any legal proceedings whatever (s. 5).

The Extradition Treaty made with Italy on February 5, 1873, was embodied in an Order in Council on March 24, 1873, and published in the *London Gazette* on April 1, 1873. Article XII provides that "if within two months from the arrest of the accused, sufficient evidence be not produced for his extradition, he shall be discharged."

MISCELLANEOUS INFORMATION

NATIONAL ASSOCIATION OF JUSTICES' CLERKS' ASSISTANTS

The eighteenth annual meeting of the National Association of Justices' Clerks' Assistants was held at Birmingham on May 12, 1956.

Mr. H. M. Bray, deputy clerk to Bristol justices, succeeded Mr. Henry Harris, deputy clerk, Liverpool justices, as national president; Mr. L. W. Parmenter, deputy clerk, West Ham justices, was elected vice-president; and Mr. Charles W. Rowe, of Tottenham magistrates' court was elected general secretary. Mr. V. H. Dimick (Hove) was appointed assistant secretary and Mr. R. Goldsack (Hastings) was re-elected treasurer. Mr. L. W. Parmenter and Mr. Edward Crangle, deputy clerk, Warrington justices, were re-elected to the council, and Mr. C. C. Matthews of Glamorgan, was also elected a councillor.

A silver salver was presented to Mr. Henry Harris, retiring president, in recognition of his four years in that office, and as deputy chairman of the Joint Negotiating Committee for Justices' Clerks' Assistants.

At the official luncheon held at the Queen's Hotel, the lord mayor of Birmingham (Alderman A. Lummis Gibson, J.P.), Mr. L. M. Pugh, president, Justices' Clerks' Society, Mr. T. Fitzgerald, Home Office, Mr. J. T. Molony, Q.C., recorder of Exeter, Mr. J. F. Milward, stipendiary magistrate, Birmingham, Mr. A. H. Sayer, M.C., J.P., and Mr. T. A. Hamilton Baynes, J.P., chairman and vice-chairman respectively of Birmingham justices, Mr. F. D. Howarth, clerk, Birmingham justices, and his deputy, Mr. W. J. Jefferies were the guests.

It was reported that 98 *per cent.* of the magistrates' courts' staffs in England and Wales were now members, and the formation of two new branches in Norfolk and North Wales was reported, making a total of 19 regional branches.

DURHAM PROBATION REPORT

The annual report of Mr. W. H. Pearce, principal probation officer for the Durham county combined area, records an increased use of probation, particularly in respect of adult male offenders. The statistics show, however, that the probation figures for county Durham were substantially less than the national average percentage. There has actually been a decrease in crime in the county.

Attention is called to the home at Spofforth Hall for the training of mothers in the management of homes and children. This home, like the Mayflower at Plymouth, is doing valuable work with mothers many of whom have been charged with neglect of their children.

Under the heading "Pre-trial and Remand Inquiries" there are some sensible observations about the functions of the probation officer in preparing a report.

"The aim of the probation officer when making these inquiries is to furnish the court with an impartial report which will be of assistance in determining the most appropriate sentence. The word 'sentence' is used advisedly for there still appears to be the misunderstanding in some courts that a social investigation should only be made if consideration is being given to placing the offender under supervision. In cases where probation is obviously impracticable, the court may well feel, before finally coming to their decision as to his future, that to have an assessment of the offender's personality, his relationship with the family and home, his attitude towards his own behaviour and the offence which he has committed would prove of assistance."

During recent years there has been a welcome decrease in the number of matrimonial cases dealt with by probation officers in the area. This trend was maintained during last year, the total number of cases referred being 2,552 as compared with 2,690 in 1954. The vast majority of cases make direct application to the probation officer without reference by the court, clerk to the justices, or any kindred social agency. A considerable number of cases still come before the court and Mr. Pearce pays tribute to the willingness and skill of the justices, when there is any prospect of reconciliation in helping the parties.

CITY OF CAMBRIDGE: CHIEF CONSTABLE'S REPORT FOR 1955

Although the force lost 16 members and gained only 13 during the year the actual strength at the end of the year, 156, was very close to the authorized strength of 161. The difficulties which would otherwise have had to be faced when the 44-hour week was introduced were avoided by the purchase of 11 Vespa motor-scooters to be used for beat patrol. Under the supervision of a sergeant men now patrol on these machines in districts which formerly were covered by men on cycle and foot patrol. Unless these machines are more efficiently silenced than are many which are to be heard on the roads today there appears to be little chance of the police who are using them arriving anywhere without advertising that they are coming; but no doubt the mobility which they give more than makes up for the noise they make.

Of the 1,829 reports of crime made to the police only 744 were accepted and recorded as crimes. No fewer than 1,051 of those which were not accepted related to bicycles. Later in the report we read that 2,843 bicycles were handed in at the cycle store during the year, 2,385 being found by police and 458 by members of the public. Two thousand five hundred and twenty-five were returned to their owners

and 27 to the finders. One hundred and seventy-nine which were unclaimed realized £328 14*s.* 8*d.* at sales by auction. It is remarkable that there should be so many lost cycles, and this seems to suggest that the owners cannot be bothered, when they leave them in the streets, to take any sort of trouble to protect them. They do not deserve to get them back if this is so.

One hundred and nineteen people were proceeded against for indictable crimes, 48 fewer than in 1954. Of these 47 were juveniles, two more than in 1954.

The total number of accidents reported during 1955 was 1,562, compared with 1,540 in 1954. Fortunately, however, those involving death or injury were fewer than in the previous year, 507 against 537. Special steps were taken to make a certain area a " Red Area " during the month of May, with special propaganda aimed at reducing the number of accidents in the area. Sad to relate, the Report has to record that " no appreciable difference was noticed in the number of accidents occurring in the area while the scheme was in operation." It may be that there has been so much propaganda on the subject of road safety that familiarity has bred contempt and the public no longer pays heed to this method of trying to draw their attention to the need for action by everybody to reduce the number of accidents.

The use that can be made of modern methods of communication was shown during the Royal visit on October 20. The men on the Vespa scooters were provided with walkie-talkie apparatus and were thus able to report back to control headquarters on the crowd and traffic situations at congested parts of the Royal route. Also at midsummer fair and at the Cambridge and Isle of Ely agricultural show the police Austin van was used as a mobile wireless station and control point. These aids to rapid communication must be of the greatest possible value to those in charge who can work effectively only if they have reliable information about what is going on provided by observers on the spot. They go some way to make up for the additions to the work of the police which modern traffic conditions and other developments have brought about.

NATIONAL COUNCIL OF SOCIAL SERVICE ANNUAL REPORT

The report of the National Council of Social Service for 1954–55 shows the work which is being done by the council and its anciliaries over a wide field of voluntary activity. At the outset the question is: " How can voluntary organizations maintain the status in the community which by general consent has been accorded them since the war ? " In this connexion reference is made to the paid staff which voluntary organizations must employ but for which they often experience great difficulty in raising money. Many paid officers of voluntary agencies are performing duties requiring great skill, wide experience and often prolonged training but are receiving less wages than many unskilled workers in industry. Their salaries are not more merely because the money is not available. So the further question is asked " As the demands for higher standards increase will the voluntary agencies have adequate staffs of skilled and experienced workers to make possible the necessary advances ? " But voluntary service still makes a strong appeal and the National Council is confident that more voluntary workers can be recruited if the appeals for their service are sufficiently compelling. One practical way in which the council helps voluntary organizations generally is through the council's benevolent fund which from a small beginning 30 years ago now distributes each year a total of £500,000 under seven-year deeds of covenant to charities in many parts of the country. The existence of this fund whereby an individual, or a business undertaking can use the covenant scheme to benefit a variety of charities should be better known.

After describing the action taken in connexion with rating and valuation and the charitable trusts committee a brief account is given of the work of the various committees or bodies for which the national council finds the secretariat. In connexion with the work of the National Old People's Welfare Committee it is noted that 54 local old people's welfare committees were formed during the year bringing the total to 1,195; but that there are still areas where it would be to the advantage of elderly people if all the authorities and local agencies could be brought together in this way. Reference is also made to the training and refresher courses made possible by grants from the King George VI Foundation.

The rural department of the council has many activities. One of the most important is to assist in the provision of village halls. During the year there was a relaxation of the conditions governing grants from the Ministry of Education and 117 schemes were put in hand. In addition some £220,000 of private money was expended on these projects alone. At the present rate of progress it will take some 25 years to complete the schemes that are now known to be necessary and it is hoped by the council that a greater allocation of public funds will be made so as to increase rapidly the number of completed schemes. The rural committee is giving careful thought to the building up of an effective service of information and advice and in this matter is acting in close co-operation with the National Citizen's Advice Bureaux Committee. In the section referring to the National Citizen's Advice Bureaux Committee it is emphasized that the " C.A.B." is no longer thought of as an emergency service but as an accepted part of the social pattern dealing with more than a million inquiries a year. Other activities mentioned in the report are the National Federation of Community Associations, of which there are 305; the National Association of Women's Clubs, with a membership of 32,389 and 571 clubs; the Women's Group on Public Welfare; the Central Churches Group; the Standing Conference of the National Voluntary Youth Organization, and the National Conference of Councils of Social Service.

In the international field reference is made to the Inter-European Exchange Scheme for social workers and administrators between the United Kingdom and 14 other countries in Europe. The number of British people going abroad under the scheme on short-term visits to study a wide range of economic and social subjects doubled during the year and an equal number of visitors from Europe spent three to eight weeks in the United Kingdom living mainly in private families and following detailed programmes arranged for them by the British Committee acting in co-operation with government departments and voluntary organizations.

ROAD CASUALTIES—MARCH AND APRIL

Casualties on the roads of Britain in April of this year totalled 20,448. Included in this total were 387 deaths, 4,745 cases of serious injury and 15,316 cases of slight injury.

These figures, which are provisional, are slightly lower than those for April, 1955. There were decreases of 16 in the deaths, 104 in the serious injuries and 20 in the slight injuries, making a decrease in the total of 140.

In spite of this, casualties in the first four months of the year were about 10 *per cent.* higher than in the same period of 1955. The provisional total was 73,938, an increase of 6,832. Deaths, numbering 1,525, were up by 101.

The final total for March was 18,985, including 400 deaths. Compared with March, 1955, there was an increase of 2,482 in the total and of 48 in the deaths.

This increase coincided with a further increase in the number of new vehicles on the road. During the month 91,000 motor vehicles were registered for the first time—the highest number ever recorded in one month—and of these 16,000 were motor cycles. Casualties to drivers of motor cycles in March, numbering 3,216, were a third heavier than in March, 1955, while casualties to passengers on motor cycles rose by nearly two-thirds to 769.

Police reports on road accidents in March show that the most common faults committed by drivers and cyclists were, as before, turning right without due care, crossing road junctions carelessly, excessive speed, errors of judgment and overtaking improperly. But there was a marked increase in the number of accidents caused by following too closely behind another vehicle. Altogether 268 accidents were caused in this way. Of these 95 were attributed to drivers of motor cycles, compared with 39 in March, 1955, and 133 to drivers of other motor vehicles, compared with 64 a year ago.

COUNTY BOROUGH OF NEWPORT, MON.: CHIEF CONSTABLE'S REPORT FOR 1955

On December 31, 1955, there were 29 vacancies in this force: establishment 208, strength 179. Out of the 50 applicants, 11 were appointed, but the losses numbered 16. In his report, the chief constable states that the reduction of the working week and the pay increases were expected to result in vacancies being filled more rapidly, but that " so far this year (the report is dated February 28, 1956) results have not reached expectations and it remains apparent that opportunities in industry, and other forms of employment, continue to be more attractive to most young men that the demands made by service in the police." This contrast between opportunities and demands is interesting. There is no doubt that the police service, although to many men it provides more satisfaction than a routine job in industry, does demand a great deal in the way of special training and application that the routine job does not, and we fear that there is too much tendency nowadays to regard the greatest monetary reward for the least physical and mental effort as the thing to look for. Satisfaction in one's job has become a matter of minor importance.

The 29 vacancies are accounted for partly by an increase, in September, of 17 in the establishment to compensate for the reduction in working hours.

The total of reported crimes was 1,038, which was 20 fewer than in 1954. Five hundred and twenty-six were detected, a rate of 50·6 *per cent.* There is a table showing the percentages of various kinds of offences committed by juveniles. Of the whole 526 detected offences their percentage was 29·6; but for housebreaking it was 50, for entering with intent to commit felony it was 60, for larceny from

unattended vehicles and for larceny from automatic machines and meters it was, in each case, 100. As an additional means of dealing with juvenile offenders an attendance centre was established, in January, 1955, by authority of the Secretary of State. It is held at police headquarters. Sixteen boys were ordered to attend there. The centre is available not only to the borough court but also to the petty sessional divisions of Newport and Pontypool.

Commenting on the crime figures the chief constable urges shoppers to look after their purses and handbags in crowded premises and motorists not to leave valuables in unlocked cars. These seem to the person of ordinary intelligence to be elementary precautions, but from the comments in other police reports as well it seems clear that many people are too careless, or too lazy, to take these precautions which would save their property and save a great deal of police time. Two thousand three hundred and forty-three persons were proceeded against for non-indictable offences, 194 fewer than in 1954. Eight hundred and fifty-seven cautionary letters were sent and 510 verbal cautions were given. In 1954, eight persons were charged under s. 15 of the Road Traffic Act, 1930; in 1955 the number had jumped to 15, an 87½ *per cent.* increase in an offence which can never be other than serious. Courts may be forced to consider whether prison must not be the normal punishment for this offence, with fines reserved for the rare cases where some mitigating circumstances can be found.

The number of accidents in 1955 was 1,170. The 1954 figure was 1,041. Everyone must deplore these constant increases, but it is perhaps too easy to overlook the amazing increase in the number of vehicles on the road. Figures are given, in this report, for the numbers of vehicles registered, and of drivers' licences issued, in Newport for the years 1946 to 1955 inclusive. In 1946, with a population of 99,000 Newport had 5,275 registered vehicles and issued 8,858 drivers' licences. In 1955 the corresponding figures were 105,430, 10,179 and 16,987 respectively. The only hope of reducing accidents is to persuade *all* road users to exercise greater care, and there can be no doubt that a special onus rests upon the drivers of vehicles.

TOBACCO AND THE AGED

In a recent article in the *Economist* reference was made to suggestions that the tobacco concession to old age pensioners should be extended to cover the increased tax proposed in the budget. Under the present concession retirement pensioners and non-contributory old age pensioners—and only those—who certify that they are habitual smokers may obtain tokens which enable them to buy tobacco at a reduced price. The benefit to those who take full advantage of the scheme is 2*s.* 4*d.* a week. It has been stated in the House of Commons that more than half the pensioners take full advantage of it despite the fact that two-thirds of pensioners are women. The *Economist* article classified those using the concession as (1) habitual smokers, (2) a large number of people who use the tokens to buy cigarettes and resell them or give them to other members of their household. The only sensible course will be eventually to raise the pension by 2*s.* 4*d.* and to discontinue the scheme. This would cost the Exchequer just over £10 million a year, and as pointed out in the *Economist*, should not be done when a rise of pension is expected because then only one half of the pensioners would get an increase. It could only be done at a time when an increase in pension was not expected. It was suggested that the Chancellor should keep this matter in mind if there should be some grounds for increasing purchasing power later in the year. In the meantime it was urged that he should be firm.

SLAUGHTER-HOUSES

A White Paper (Cmd. 9761) has been issued on the Government's long term policy for regulating provision of slaughter-houses in England and Wales. It can be obtained from H.M. Stationery Office, price 6*d.*

LONDON SESSIONS PROBATIONER'S FUND

There are many opportunities in connexion with the work of a busy court like the county of London sessions for helping probationers and after care cases if money is available which cannot be obtained out of public funds. This is the justification for the fund which is administered by a committee under the chairmanship of Mr. A. W. Cockburn, Q.C., chairman of the court. The report for 1955 shows that much good work has been done with good results.

As in former reports, there are some particulars about cases committed to the sessions with a view to a borstal sentence. The experience of a period in custody awaiting sentence not infrequently has a chastening effect and the court has postponed sentence and had further inquiries made. In 1955 it was found possible to make probation orders in 37 cases out of 187 so committed. Twenty-four of these completed their probation satisfactorily. Of course there are cases in which the inquiries make it clear that a borstal sentence is necessary.

The recidivist remains a problem, but often prompt help obtained from a probation officer instead of from old associates, may tide him over the period until work or national assistance can be obtained.

There is an encouraging story of a man who had previous convictions and who, under stress of circumstances resorted again to stealing. The owner of the property happened to be a man who six years earlier had been put on probation, in spite of a bad record, and had made good. This man approached the probation officer and asked that similar help should be given to the offender. The help was forthcoming from the fund, and the man is in regular employment. This is only one out of 114 cases helped during the year.

Gifts of money and clothing are needed. One fact which will certainly be a recommendation is that all the work of administration is done voluntarily. The cost in 1955 was £1 15*s.* 8*d.* consisting of £1 7*s.* 8*d.* post and cheque book 8*s.*

CARNEGIE UNITED KINGDOM TRUST

The report of the Carnegie United Kingdom Trust for 1955 includes a quinquennial review of the work undertaken since 1951. Total grant payments in the quinquennium amounted to £558,545. The trustees have always been concerned with helping in community services but in this field their work has taken a notable change in direction which is in keeping with alterations in the pattern of community needs and services. The largest single factor determining the character of the welfare projects referred to the Trust for consideration in the past few years has been the awareness that problems of material want have given place to problems of personal family and community relationships; and a progressive awareness that the majority of our social problems have their origin in the family and may well find their solution in the home. The trustees have therefore been concerned with research designed to ascertain the causes of social problems arising in families, research into the effectiveness of new techniques for dealing with family problems, the development of family case-work agencies, experimental projects for restoring problem families to health, demonstration homes for delinquent boys and for homeless sick, re-education of social workers and counsellors to deal with family problems, and the development of a new University course designed to produce general practitioners in social work. In this connexion it is noteworthy that through grants amounting to £15,000 the number of Family Service Units has increased from three

to 11. There has been a wide-spread interest in this service and a general acceptance of its methods of working in the home as one of the effective means of dealing with problem families. The trustees feel that financial development of the Units must now be left to local authorities and other interested organizations.

The trustees have been considering whether they could make some contribution towards an improvement in the lot of handicapped children and particularly in their homes. It has been suggested that there is a need for an inquiry into the problems of families with a handicapped child in the home so as to test the need for further practical assistance for such families. After consulting the government departments concerned, and being assured of their interest and support, the trustees have agreed to undertake the inquiry.

While the trustees are particularly concerned in the arts, music and drama, the report shows that they are continuing to take an important part in helping pioneering efforts in the field of social service and in supporting voluntary organizations in this sphere.

WEST RIDING PROBATION REPORT

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The annual report of Mr. C. W. Moston Hughes, principal probation officer for the West Riding area, states that experience over the past three years has shown that the centres where dictation machines can appropriately be brought into use probation officers and clerical assistants alike are able to use their time to greater advantage. The probation committee will be asked to provide additional machines.

The statistics show a steady increase over a period of years in all branches of the work of the probation officers. As is pointed out, an increase of 16·24 *per cent.* in the number of probation cases current as at December 31, 1955, compared with the number as at December 31, 1950, gains in significance when it is set against a decrease of 22·28 *per cent.* in the number of indictable cases appearing during the relevant years before all courts within the probation area.

BIRTHDAY HONOURS

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KNIGHTS BACHELOR

Beddington, Brigadier Edward Henry Lionel, chairman, Hertfordshire County Council.

Norton, Walter Charles, president, the Law Society.

Willmott, Maurice Gordon, Chief Chancery Master, High Court of Justice.

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CIVIL DIVISION

C.B.E.

W. F. Cresswell, senior official, Receiver in Bankruptcy, Board of Trade.

J. M. Ll. Evans, official solicitor, Supreme Court of Judicature.

H. S. Price, chief constable, Bradford City Police Force.

B. D. Storey, town clerk, Norwich.

COMMONWEALTH RELATIONS OFFICE LIST
ORDER OF ST. MICHAEL AND ST. GEORGE

L. E. B. Stretton, a Judge of the County Courts and chairman of Courts of General Sessions, State of Victoria.

ORDER OF THE BRITISH EMPIRE
CIVIL DIVISION

C.B.E.

F. E. Piper, president, Law Society, State of South Australia.

COMMONWEALTH OF AUSTRALIA LIST
ORDER OF ST. MICHAEL AND ST. GEORGE

K.C.M.G.

Street, The Honourable Kenneth Whistler, Chief Justice of the Supreme Court of New South Wales. For public services to the Commonwealth of Australia.

COLONIAL OFFICE LIST
KNIGHTS BACHELOR

Brown, Thomas Algernon, Chief Justice, Northern Region, Nigeria.

Henderson, Guy Wilmot McLintock, Q.C., Chief Justice, Bahamas.

Sinclair, Ronald Ormiston, vice-president, East African Court of Appeal.

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Mr. Brian Slater, Ll.B., is to become assistant solicitor to Birmingham corporation. He is at present assistant solicitor to Huddersfield county borough council. Mr. Slater was articled to Mr. Harry Bann, town clerk of Huddersfield.

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OBITUARY

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Mr. Joseph Oliver Dudley, chief clerk to West Bromwich county court since 1944 has died at the age of 64. Mr. Dudley was due to retire in December. He transferred from a Birmingham post to West Bromwich in 1932.

DRUNK IN CHARGE

The Road Traffic Bill is pursuing its slow course through Parliament and much is likely to be heard, in debate, on the clauses imposing further penalties upon those who drive while under the influence of alcohol. There is probably no part of the existing Act which affords more opportunity, to the accused, of giving free rein to his imagination or, to the defending advocate, of exercising ingenuity on his client's behalf, than the sections dealing with drink and driving. Fantastic tales, told in the witness-box on behalf of the prosecution, are countered by astonishingly plausible explanations and theories on the part of the defence: while the conflict of medical testimony frequently recalls the well-known couplet of Alexander Pope:

> " Who shall decide when doctors disagree,
> And soundest casuists doubt, like you and me?"

Meanwhile, among our friends across the Channel, a strange revolution has taken place. The Anglo-Saxon vice of puritanism appears to have infected, first, the government of M. Mendès-France and, latterly, that of his successor, M. Faure. The inelegantly-named " High Committee of Information and Study on Alcoholism " have smothered Parisian Métro stations with posters exhorting their fellow-citizens to " drink moderately "—which means (in its French context) to limit their individual consumption to one litre (a pint and three-quarters) of wine a day. The committee, says *The Times*, have not succeeded in their avowed objective of limiting the privileges of the three million *bouilleurs de cru* (home distillers), but they have been highly resourceful in the production of a great deal of macabre propaganda against excessive drinking. Glass showcases on the Métro platforms at the Place de l'Opéra show, *inter alia*, a cirrhosed human liver, preserved in a glass jar, and models of two brains—the one fresh and healthy, the other suffused with alcohol. Illustrations and statistics galore proclaim the advantages of temperance, and even hint at total abstinence as a desirable and attainable ideal.

What effect these alien doctrines may eventually have upon the general population remains to be seen. The average Frenchman, severely fastidious in his drinking-habits, is gaily libertarian in his driving, and it is not surprising that this flouting, by the government, of national traditions in the former respect should have had repercussions upon the latter. Peasants and small farmers all over France—particularly in the vine-growing districts—have demonstrated their resentment against this and other invasions of their rights and privileges by disrupting road-traffic in a big way. The cry has gone up—not for the first time in French history—" Citizens! To the barricades! " Throughout the countryside road-blocks have been manned and gigantic traffic-jams created, in comparison with which our Bank Holiday queues on the Brighton Road are a mere bagatelle. In some areas native courtesy has emphasized the token nature of this go-slow movement: motorists have had pressed upon them " not only the inevitable political leaflet but also wine, cheese, milk and bunches of flowers "—being thus given to understand that they, jointly with the donors, are victims of governmental misdeeds. In many places, it is said, drivers took these tactics in good part, though elsewhere there was much wailing, gnashing of teeth and hooting of horns. A grave responsibility rests upon the government which has temerariously sought to obtrude these exotic institutions upon an erstwhile free democracy.

Driving is an art, and so is, or should be, drinking—except in the United States, where everything is degraded to a dull scientific level by means of Gallup Polls and other devices of mass-suggestion masquerading as public opinion. In Louisville, Kentucky, 10 motorists have been induced to offer themselves as sacrifices to the cause of scientific research. Each of them is being given (*gratis*) as much in the way of liquor as he can take; each is then being placed at the wheel of a motor car, and his reactions ruthlessly observed, listed and analyzed. (We venture to express the hope that their insurance-cover is not limited to third-party risks.) Having regard to the pre-conditioning of these human guinea-pigs, we cannot make up our mind whether they should be the objects of our envy or our compassion. Perhaps (who knows?) this experiment may turn out to have been the thin end of a wedge which will prop the door wide open for the passage of a new Volstead Act.

A nation that has once put up with Prohibition will put up with anything, and it is unlikely that the tough guys on that side of the Atlantic would be deterred by the French Committee's bogey of chronic alcoholism, cirrhosis of the liver and drink-sodden brains. Excessive bibacity, however, is said to produce not only physical but also psychological symptoms of a distressing kind. Few of us have actually experienced them, though many of us have been told disquieting stories of the dipsomaniac beset by queer zoological phantasmata, among which rodents and reptiles are said most prominently to figure; there is even (we seem to remember) some legendary reference to visionary elephants of a delicate shade of pink. We cannot answer for the accuracy of these case-histories, but a recent real-life episode in New York must have given a nasty jolt to any drivers who may have taken a drop too much. There, in broad daylight, right in the middle of First Avenue, lay a dead elephant, which the municipal dustcart was engaged in removing with the aid of a crane. Most of us would have looked round furtively to make sure if other drivers were seeing what we thought we saw; but one at least, bold enough to make direct inquiry, ascertained that the unfortunate pachyderm had dropped dead (presumably from a heart-attack) as he was about to board a circus-train. Truth is often stranger—and sometimes far more reassuring—than fiction.

A.L.P.

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K.C.M.G.

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Mr. Joseph Oliver Dudley, chief clerk to West Bromwich county court since 1944 has died at the age of 64. Mr. Dudley was due to retire in December. He transferred from a Birmingham post to West Bromwich in 1932.

DRUNK IN CHARGE

The Road Traffic Bill is pursuing its slow course through Parliament and much is likely to be heard, in debate, on the clauses imposing further penalties upon those who drive while under the influence of alcohol. There is probably no part of the existing Act which affords more opportunity, to the accused, of giving free rein to his imagination or, to the defending advocate, of exercising ingenuity on his client's behalf, than the sections dealing with drink and driving. Fantastic tales, told in the witness-box on behalf of the prosecution, are countered by astonishingly plausible explanations and theories on the part of the defence: while the conflict of medical testimony frequently recalls the well-known couplet of Alexander Pope:

> " Who shall decide when doctors disagree,
> And soundest casuists doubt, like you and me?"

Meanwhile, among our friends across the Channel, a strange revolution has taken place. The Anglo-Saxon vice of puritanism appears to have infected, first, the government of M. Mendès-France and, latterly, that of his successor, M. Faure. The inelegantly-named " High Committee of Information and Study on Alcoholism " have smothered Parisian Métro stations with posters exhorting their fellow-citizens to " drink moderately "—which means (in its French context) to limit their individual consumption to one litre (a pint and three-quarters) of wine a day. The committee, says *The Times*, have not succeeded in their avowed objective of limiting the privileges of the three million *bouilleurs de cru* (home distillers), but they have been highly resourceful in the production of a great deal of macabre propaganda against excessive drinking. Glass showcases on the Métro platforms at the Place de l'Opéra show, *inter alia*, a cirrhosed human liver, preserved in a glass jar, and models of two brains—the one fresh and healthy, the other suffused with alcohol. Illustrations and statistics galore proclaim the advantages of temperance, and even hint at total abstinence as a desirable and attainable ideal.

What effect these alien doctrines may eventually have upon the general population remains to be seen. The average Frenchman, severely fastidious in his drinking-habits, is gaily libertarian in his driving, and it is not surprising that this flouting, by the government, of national traditions in the former respect should have had repercussions upon the latter. Peasants and small farmers all over France—particularly in the vine-growing districts—have demonstrated their resentment against this and other invasions of their rights and privileges by disrupting road-traffic in a big way. The cry has gone up—not for the first time in French history—" Citizens! To the barricades! " Throughout the countryside road-blocks have been manned and gigantic traffic-jams created, in comparison with which our Bank Holiday queues on the Brighton Road are a mere bagatelle. In some areas native courtesy has emphasized the token nature of this go-slow movement: motorists have had pressed upon them " not only the inevitable political leaflet but also wine, cheese, milk and bunches of flowers "—being thus given to understand that they, jointly with the donors, are victims of governmental misdeeds. In many places, it is said, drivers took these tactics in good part, though elsewhere there was much wailing, gnashing of teeth and hooting of horns. A grave responsibility rests upon the government which has temerariously sought to obtrude these exotic institutions upon an erstwhile free democracy.

Driving is an art, and so is, or should be, drinking—except in the United States, where everything is degraded to a dull scientific level by means of Gallup Polls and other devices of mass-suggestion masquerading as public opinion. In Louisville, Kentucky, 10 motorists have been induced to offer themselves as sacrifices to the cause of scientific research. Each of them is being given (*gratis*) as much in the way of liquor as he can take; each is then being placed at the wheel of a motor car, and his reactions ruthlessly observed, listed and analyzed. (We venture to express the hope that their insurance-cover is not limited to third-party risks.) Having regard to the pre-conditioning of these human guinea-pigs, we cannot make up our mind whether they should be the objects of our envy or our compassion. Perhaps (who knows?) this experiment may turn out to have been the thin end of a wedge which will prop the door wide open for the passage of a new Volstead Act.

A nation that has once put up with Prohibition will put up with anything, and it is unlikely that the tough guys on that side of the Atlantic would be deterred by the French Committee's bogey of chronic alcoholism, cirrhosis of the liver and drink-sodden brains. Excessive bibacity, however, is said to produce not only physical but also psychological symptoms of a distressing kind. Few of us have actually experienced them, though many of us have been told disquieting stories of the dipsomaniac beset by queer zoological phantasmata, among which rodents and reptiles are said most prominently to figure; there is even (we seem to remember) some legendary reference to visionary elephants of a delicate shade of pink. We cannot answer for the accuracy of these case-histories, but a recent real-life episode in New York must have given a nasty jolt to any drivers who may have taken a drop too much. There, in broad daylight, right in the middle of First Avenue, lay a dead elephant, which the municipal dustcart was engaged in removing with the aid of a crane. Most of us would have looked round furtively to make sure if other drivers were seeing what we thought we saw; but one at least, bold enough to make direct inquiry, ascertained that the unfortunate pachyderm had dropped dead (presumably from a heart-attack) as he was about to board a circus-train. Truth is often stranger—and sometimes far more reassuring—than fiction.

A.L.P.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Elections—*Day of election—Uncontested election.*

At an uncontested ordinary, or casual, election of rural district councillors, I consider that a candidate cannot be declared elected until the day of election, nor can he be capable of holding office until that day. The opinion has been expressed that at an uncontested election it is unnecessary to wait until the day of election before declaring the result, and that once the date for withdrawals of candidature has been passed the result can be declared, and the candidate can be informed that he has been elected and that he can attend a meeting of the local authority and make the statutory declaration of acceptance of office, even where the day of the meeting to which he is invited falls before the day of election. The "day of election" referred to in this inquiry is the day computed according to the timetable laid down in the Rural District Council Election Rules, 1951.

D. LEX.

Answer.

We agree with your opinion.

2.—Landlord and Tenant—*Former employee continuing as ordinary tenant—Validity of notice to quit.*

Application has been made to my justices by the X county council, under the Small Tenements Recovery Act, 1838, for possession of a cottage.

A was employed by the council from 1922 to 1943 at their school of agriculture and occupied the cottage under a service tenancy or service occupancy (the evidence does not clearly disclose which). When he retired in 1943 he was permitted by the war agricultural committee to remain in occupation, and he continued to pay a rent of 3*s*. a week plus rates.

In 1948, notice to quit was served by the council upon A and application for possession was made to the county court. The application failed (for what reason is not clear) and A remained in possession and continued to pay the same rent.

On February 28, 1955, the agricultural education sub-committee of the education committee of the X county council resolved that notice to quit should be served upon A to take effect as soon as possible after March 1, 1955 (the significance of this date appears later). This resolution was confirmed by the county education committee on April 4, 1955. A certified copy of the resolution was produced to the justices.

On May 2, 1955, the clerk of the county council, in his capacity as such, served notice to quit upon A, requiring possession on May 16 "or at the expiration of the week of your tenancy which shall expire next after the end of one week from the service upon you of this notice." On May 17, notice of intention to apply to the justices was served upon A and read and explained to him.

A rent receipt book, containing carbon copies of the receipts given to A for payment of rent was produced to the justices; this shows the rent as paid up to May 14, 1955. The only witness for the county council was unable to say whether the tenancy was a Saturday or a Monday one.

It was contended by the county council:

(*a*) That A originally occupied on a service tenancy or service occupancy and that this tenancy or occupancy was determined by the notice to quit given in 1948.

(*b*) That thereafter he held as a statutory tenant until March 1, 1955, on which date s. 33 of the Housing Repairs and Rents Act, 1954, came into force as respects premises of this kind and the tenancy then ceased to be a controlled tenancy.

(*c*) That on March 1, 1955, A was a trespasser but continued in occupation under "an implied weekly tenancy," the county council continuing to receive the same amount of rent from him.

(*d*) That this was a new tenancy which was properly determined by the notice to quit served on May 2, 1955, the notice to quit served in 1948 having ceased to be of any effect.

(*e*) That the county education authority, and not the X county council, are authorized to take the proceedings by virtue of s. 6 of the Education Act, 1944.

On behalf of A it was contended:

(*a*) That the proceedings are wrongly founded. The tenancy or occupancy was determined by the notice to quit given in 1948 and the notice to quit given in May, 1955, is a nullity (*Bowden* v. *Rallison* (1948) 112 J.P. 283).

(*b*) That the county council have not proved a new tenancy.

(*c*) That in any event the notice to quit given in May, 1955, is bad for the following reasons:

(i) That whereas the proceedings are allegedly taken by the county education authority the notice to quit was given by the clerk of the county council and describes the premises as being held of the county council and not of the education authority.

(ii) That the alleged tenancy is wrongly described. It is said to commence on March 1, 1955, a Tuesday, whereas the notice to quit requires possession on May 16, a Monday, and the duplicate receipt for rent shows the rent as being paid up to May 14, a Saturday.

Your valued opinion would be greatly appreciated.

BREWS.

Answer.

On the case generally, we should decide for the landlord although some of his arguments seem doubtful. But there is one point not taken by A's advisers, which troubles us. We will state this later. Dealing *seriatim* with the lettered points in the case:

Landlord's points:

(*a*) The original occupancy or tenancy may have been ended when A's service ended; certainly if he was not originally a tenant, and perhaps even if he was. In that event, a new tenancy began in 1943. Whether this was ended by the notice of 1948 depends on the quality of that notice. The county court proceedings may have failed because the notice was defective.

(*b*) It follows that, either under his contract of 1922, or under a contract of 1943, or under statute (assuming, that is, that the notice of 1948 was good and that the landlord did not press the county court proceedings to a conclusion for some other reason) A was entitled to remain in possession up to February 28, 1955.

(*c*) We do not consider that on March 1, 1955, A became a "trespasser" in any normal sense. He was on the premises as of right, either contractual or statutory. If he was a statutory tenant, he had by s. 33 (3) lost his right to retain possession, but he was in our opinion entitled to remain until something further happened, and (at least as soon as a week's rent had been received) he entered on a new contract.

(*d*) We agree generally.

(*e*) This is the crucial point mentioned at the outset of our reply. The county council are the county education authority, by s. 6 of the Education Act, 1944, but we do not understand (*e*); we shall return to the implications of this below.

Tenant's points:

(*a*) We doubt this inference from the case cited, since the landlord accepted rent after March 1, instead of getting the tenant out at once.

(*b*) We should find the tenancy on the strength of what we have just said—if it is necessary to find a new tenancy.

(*c*) (i) This ties up with the above mentioned crucial point: *see* below.

(ii) We doubt whether there is anything in this point. The notice to quit specified May 16 as the final date but a full fortnight was given, and the words "or at the expiration of the week, etc., etc.," quoted in your letter, are apt to pick up the correct week (within that fortnight), whichever was the day of the week on which the tenancy started.

We return to our crucial point. The county council are owners of the property, and it matters not in what capacity they were A's former employers. Management of residential property is not among the functions which the Education Act, 1944, contemplates shall be exercised by the education committee, at any rate where the residence of the occupant is not (or is no longer) connected with education. The question, therefore, is whether the education committee had authority delegated to them from the council to direct service of a notice to quit. If not, the committee's resolution of April 4 was a nullity.

On the whole, with a good deal of hesitation, we think that such a delegation can be inferred from the fact that the property had (it seems) been managed for many years by the education committee, and that from 1922 to 1943 the tenant was an educational employee.

On this footing, the clerk of the county council was the proper person to sign the notice to quit. But we are not told who signed the notice under the Small Tenements Recovery Act, 1838; we infer this again was the clerk of the county council, but *see* the definition of "agent" in s. 7 of that Act. Unless the clerk was "specially authorized" in the particular matter, the second notice (*viz.*, that served on May 17) was ineffectual: *see* our article at 117 J.P.N. 292, 441, 458, on the position of clerks of local authorities in this context.

3.—Magistrates—*Practice and procedure—Bias—Local police doctor partner of chairman and husband of another justice—Position when he is called as a witness.*

The chairman of my magistrates is a medical practitioner in partnership and practising in this area. One of his partners is the local police doctor who is called upon by the police from time to time to give evidence in cases of persons charged with being under the influence of drink contrary to s. 15 of the Road Traffic Act, 1930. The police doctor is also the husband of one of the magistrates. Such a case is at present pending, and the police doctor referred to will be called as a witness for the prosecution. Can any objection be taken by the defence to the chairman of the bench, or the wife of the police doctor adjudicating in such case on the ground of bias, or for any other reason ? JELSTON.

Answer.

We think that if the defence take objection neither the chairman nor the wife of the police doctor should sit. They might well feel embarrassed even if no objection were taken.

We think the judgments in the case of *Cottle* v. *Cottle* [1939] 2 All E.R. 535, throw light on the way the matter should be considered.

4.—Public Health Act, 1936, s. 119.

The council are statutory water undertakers under the Public Health Act and the Water Acts. Five years ago, they wished to lay a main through private land and notice was served under ss. 119 and 15 of the Public Health Act, 1936. It has become necessary to construct a sluice valve at a point on this main and the owner of the land, who has been approached in the matter, has denied the council access for this purpose. It therefore becomes necessary for the council to operate such statutory powers as they possess, and they would like advice on the following points:

1. Section 119 gives the council a statutory right to lay water mains in the same manner as they have the power to construct sewers, and s. 22 empowers them to alter the size or the course of the pipe. Section 23 gives them power to maintain the pipes, but it seems doubtful whether the installation of a valve can be regarded as coming within these sections.

2. Section 15 gives the council the right, after serving notice, to construct a water main but there is no definition in the Public Health Act of the word " main." Schedule 3 to the Water Act, 1945, defines " main " to include any apparatus in connexion with such a pipe, and it may be that notice to construct a sluice valve by inference from the Act of 1945 might be classified as a main.

3. Can the council therefore serve notice under s. 15 in respect of the construction of the valve ?

4. An investigation of this position has raised a doubt as to the correct procedure in these circumstances, in cases where the council desire to repair the pipe.

5. Section 287 of the Public Health Act, 1936, appears to be helpful in as much as it authorizes entry for the purpose of executing any work authorized by the Act, but it is not clear under which section the council are authorized to execute the work of constructing a sluice valve or renewing the pipes.

The reference in part II of the Act to sewers, coupled with the complications that arise in respect of sewers, clouds the issue when applied to water mains. POCKER.

Answer.

1. In our opinion, the valve comes within s. 23 of the Public Health Act, 1936, *cf.* s. 24 (1).

2. In our opinion " main " will include the necessary adjuncts and will therefore include the sluice valve.

3. Yes, in our opinion.

4. *See* 5 below.

5. In our opinion, they have powers under s. 23 and under s. 15 of the Act of 1936.

5.—Road Traffic—*Sign—Divergence from prescribed size and colour.*

1. A " keep left " sign has been erected on an " island " in a road, and counsel for a defendant who has been prosecuted for neglecting to observe it has submitted that the sign is not of the prescribed size, colour and shape as laid down by the regulations.

I am writing from overseas. The relevant regulations enact that the sign shall be in accordance with diagram 69 in the English Report of the Departmental Committee on Traffic Signs, 1944. This shows the words " keep left " in black on a white almost rectangular background which is 2 *ft.* × 18 *in.* Each " corner " of this background is rounded off to the extent of a distance of 2¼ *in.* and, in its turn, it is surrounded completely by a black border ½ *in.* in width.

The background on the sign in question is not pure white. There are obviously different shades of white (anyone trying to " touch-up " the enamel of a motor car will realize this !) but the background in question has a blue tint. It is not an obvious blue as on a " no waiting " sign or a parking sign, but the blue is there.

It seems obvious to me that the sign does not conform strictly to the " colour " prescribed, but I should like your opinion as to whether it must conform strictly or whether some latitude is allowed. In other words, if it is " almost but not quite " white would that render the sign illegal ?

I think the average person on seeing it would say it was " bluey-white " although, of course, various persons see colours differently.

I can find no authority on this point, but para. 18 of the above-mentioned report refers to the fact that " signal red " " traffic green " or " traffic blue " are standardized.

2. The other point is that the black border whilst 2 *in.* in width on all the four straight sides of the background diminishes for the distance of the 2¼ *in.* on each " corner " to almost ½ *in.*

The same point arises as in question 1. Do you think that this diminution of width is sufficient to invalidate the sign? With the help of modern precision measuring instruments in use today it could be proved that a sign was (say) ·0001 *in.* (or even less) under or over size. Common sense seems to dictate that such a small error would not be considered. Could the doctrine *de minimis non curat lex* apply in a case such as this hypothetical one ?

If so, I presume it could also apply to all questions of size and colour, generally depending on the extent of the difference from the standard laid down. Do you agree ?

JOUGAL.

Answer.

1. It is a question of fact for the court to decide. If they are satisfied that there is so much blue in the background of this sign that it cannot properly be described as white they cannot find, in our view, that the sign is in accordance with diagram 69.

2. There appear to be two variations from the prescribed standard: (*a*) The border surrounding the straight sides is 2 *in.* and not ½ *in.* wide, and (*b*) the border at the corners is ½ *in.* and not ½ *in.* wide.

(*a*) Seems to us to be a material variation sufficient to invalidate the sign; (*b*) of itself, would not do so.

We agree that all such questions are questions of fact. What the court has to decide is whether the sign is in accordance with the prescribed one. We think that a reasonably strict interpretation is necessary. This is a criminal prosecution, and there is no provision that a sign, if not completely in accordance with the prescribed one, shall be a sign of a similar character.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

BOROUGH OF LEIGH

Appointment of Assistant Solicitor

A VACANCY exists for an Assistant Solicitor in my Department at a salary within the scale £725—£970 per annum, the commencing salary to be determined according to experience. The post will be subject to the Scheme of Conditions of Service of the National Joint Council.

The duties will consist in the main of Conveyancing, including Compulsory Purchase, and in dealing with applications for Improvement Grants, but the post will afford an opportunity to gain experience generally in the work of the Department. Previous service in Local Government is not essential.

The appointment, which is on the permanent staff of the Corporation, is superannuable and will be determinable by two months' notice on either side.

Housing accommodation will be available if required.

Applications, stating age, particulars of education and experience, and containing the names of two persons, one of whom must be a Solicitor, to whom reference may be made, must be delivered to the undersigned not later than Monday, June 18, 1956.

Canvassing will disqualify.

ALBERT JONES,
Town Clerk.

Town Hall,
Leigh, Lancs.

CITY OF PETERBOROUGH

Appointment of Deputy Town Clerk

APPLICATIONS invited from Solicitors with local government experience.

Salary Grade "C" (£1,295—£1,515) and appropriate conditions apply.

Full particulars and application forms sent on request. Closing date, Saturday, June 30, 1956.

C. PETER CLARKE,
Town Clerk.

Town Hall,
Peterborough.
May 31, 1956.

CITY OF LEEDS

Appointment of Whole-time Female Probation Officer

APPLICATIONS are invited for the above appointment. Applicants must be not less than 23 nor more than 40 years of age, except in the case of a serving probation officer.

The appointment will be subject to the Probation Rules, 1949 to 1956, and the salary will be in accordance with the scale prescribed by those rules. The successful candidate will be required to pass a medical examination.

Applications, stating age, qualifications and experience, together with copies of not more than two recent testimonials, must reach the undersigned not later than June 23, 1956.

T. C. FEAKES,
Secretary to the Probation Committee.

P.O. Box No. 97,
The Town Hall,
Leeds, 1.

CITY OF COVENTRY

Appointment of Full-time Male Probation Officer

THIS appointment will be in accordance with the Probation Rules and applications should be submitted not later than June 23, 1956.

A. N. MURDOCH,
Secretary of the Probation Committee.

St. Mary's Hall,
Coventry.

DURHAM COUNTY COMBINED AREA PROBATION COMMITTEE

Appointment of Female Probation Officer

APPLICATIONS are invited for the appointment of whole-time Female Probation Officer for the Durham County Combined Probation Area. Applicants must not be less than 23 years or more than 40 years of age except in the case of serving officers.

The appointment and salary will be in accordance with the Probation Rules and the salary will be subject to superannuation deductions. The person appointed to this post will be required to pass a medical examination.

Applications, stating age, education, qualifications and experience, together with the names and addresses of two referees, should be received by the undersigned not later than June 23, 1956.

J. K. HOPE,
Secretary to the Combined Probation Committee.

May 31, 1956.

EASINGTON RURAL DISTRICT COUNCIL

Appointment of Clerk of the Council

APPLICATIONS are invited for the above appointment from suitably qualified persons.

The salary payable will be £2,340 by £105(2) and £55(1) to £2,605 per annum. In addition car allowance in accordance with the Council's Scale will be paid.

The person appointed will be required to devote his whole time to the Council and not engage in private practice or take on any other office without previous consent of the Council. All fees, etc., to be paid into the account of the Council.

The appointment will be subject to the Local Government Superannuation Acts and the passing of a medical examination, and will be terminable by three months' notice on either side. No form of application is being issued.

Applicants should give the fullest information of their experience and of the various activities with which they have been connected. The names of three persons to whom reference can be made should also be given.

Applications must be enclosed in an envelope marked "Clerk" to reach the undersigned not later than Tuesday, June 26, 1956.

T. AGAR,
Deputy Clerk.

Council Offices,
Easington,
Co. Durham.

CITY AND COUNTY OF THE CITY OF LINCOLN

Second Assistant Solicitor

APPLICATIONS are invited for this appointment. Salary in accordance with National Joint Council Scale for Assistant Solicitors (£725 × £35—£970), but not less than £830 after two years admission. Commencing salary according to experience.

Applicants should have experience in conveyancing and common law. The duties will include advocacy and attendance at certain Committees. Local Government experience will be an advantage. The post is superannuable and a medical examination will be necessary.

Consideration will be given to the provision of housing accommodation if required.

Applications, stating age, qualifications and experience, together with the names and addresses of two referees, and endorsed "Assistant Solicitor," must be received by me not later than Wednesday, June 20, 1956.

Canvassing will disqualify.

J. HARPER SMITH,
Town Clerk.

Town Clerk's Office,
Lincoln.
June 5, 1956.

CITY AND COUNTY BOROUGH OF WAKEFIELD

Appointment of Assistant Solicitor

APPLICATIONS are invited for the above appointment at a salary on the Grade £725 × £35—£970, the commencing point being dependent upon experience.

For further particulars apply to the Town Clerk, Town Hall, Wakefield. Closing date, June 22, 1956.

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